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Montserrat

Working paper prepared by the Secretariat

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Territories Act 2002 abolished the terms "colony" and "dependent territory" and granted the right of British citizenship to citizens of its Territories.[3]

6. According to the administering Power, Montserrat is an internally self-governing Overseas Territory, a status which provides for the execution of Government through a Governor appointed by the Crown, an Executive Council that has the general control and direction of Government and a Legislative Council. The Governor retains responsibility for internal security (including police), external affairs, defence, public service (which the Governor heads) and offshore finance. The Legislative Council has nine members. Following elections in 2006, there are three female members (two are Ministers, and the third is the Leader of the Opposition) and six male members.[4] According to the media, the territorial Government has asked the United Kingdom to support its request for the appointment of Montserrat's first indigenous Deputy Governor, which is one of the suggested constitutional recommendations elaborated on below.[5]

7. The law of Montserrat is English common law and locally enacted legislation. It is administered by a Magistrates Court and the Eastern Caribbean Supreme Court. Cases handled by the Supreme Court have recourse of final appeal to the Judicial Committee of the Privy Council. The President of the Caribbean Court of Justice, Justice Michael de la Bastide, has expressed concern that most member nations of the Caribbean Community (CARICOM) are still tied to the British Privy Council as their final court of appeal instead of the Caribbean Court of Justice.[6]

8. The current Governor of Montserrat, Deborah Barnes-Jones, who took office in May 2004, is the first female Governor of a British Territory. According to the administering Power, elections were held on 31 May 2006, using a single-constituency "first past the post" electoral system. According to the administering Power, 3,331 voters were registered and 2,486 votes were cast: a 75 per cent voter turnout (78 per cent in 2001). No single party won a clear mandate, and a coalition Government headed by Chief Minister Lowell Lewis (Montserrat Democratic Party) was formed. Other coalition members are the New People's Liberation Movement (three) and one Independent. The opposition holds four seats.[4]

9. According to the administering Power, the 1999 White Paper recognized that the Constitutions of the Territories needed to be kept up to date. A Constitutional Review Commission was set up in 2002 under the chairmanship of Sir Howard Fergus. In February 2003, the Governor was presented with the Commission's report, including recommendations for a number of changes to the existing constitution. For instance, the report concluded that the proposed change from the imposition of the candidate by the United Kingdom to cooperative action in choosing a Governor would have symbolic significance. This report was submitted in 2002 and debated in the Legislative Council in April 2005.[4]

10. The Constitutional Review Commission conducted widespread public consultations, including some in the United Kingdom. The first round of talks took place in Montserrat in September 2005 with a team from the Foreign and

[3] See A/AC.109/2002/2 and Add.1.

[4] Information transmitted by the administering Power, 15 January 2007.

[5] See www.caribbeannetnews, 5 December 2006.

[6] See BBC Caribbean News In Brief (see BBC Caribbean.com), 26 February 2007.

Commonwealth Office.[7] A second round of discussions between Montserrat (all Legislative Council members) and a United Kingdom Government team took place in February 2006.[4]

11. In 2006, the Chief Minister, in his speech on the budget, stated that the Government was in the process of negotiating a new Constitution with Her Majesty's Government. The Chief Minister detailed that it was the Government's intention to make improvements to the present Constitution so as to preserve its ability to move towards greater self-determination when the circumstances permit; define more clearly the responsibilities and relationships between the institutions and parties named in the Constitution; take account of international norms and practices as they relate to Montserrat; and generally modernize the current Constitution. Members of the Legislative Council made submissions for inclusion and a preliminary draft constitution has been submitted by Her Majesty's Government for consideration and discussion. The Chief Minister further said that all members of the Legislative Council were in possession of the draft. It was the Government's intention to publish and discuss the Constitution publicly when a final draft was ready.[8]

12. Meanwhile, some media reports indicated that, according to views expressed by a member of the Chief Minister's Constitutional Advisory Committee, the constitutional revision process did not completely reflect the aspirations and desires of Montserrat's public.[5] As was previously reported, Montserrat is the only Territory to have called for a dialogue on free association.[9] A further round of negotiations discussing the new draft constitution is expected in the first quarter of 2007.[4]

III. Budget

13. Montserrat's public sector continues to be heavily dependent on budgetary support.[10] Delivering the budget speech in March 2006, the Chief Minister stated that the total budget for 2006 is EC$ 115.8 million,[11] with recurrent expenditure of EC$ 83.2 million and capital expenditure totalling EC$ 32.6 million.[8]

14. The total revenue required to fund the 2006 budget is EC$ 83.2 million. It is estimated that EC$ 35.3 million will be raised locally and EC$ 47.9 million will be financed by the United Kingdom through budgetary support.[8]

15. The United Kingdom made special aid available under the Sustainable Development Plan and the Country Policy Plan for the period of 2004-2005 to 2006-2007.[12] The Department for International Development will provide development assistance of £40 million during the period 2004-2005 to 2006-2007 periods. The United Kingdom will also assist through support from the Foreign and Commonwealth Office and through helping Montserrat to access resources from

[7] Autumn performance report 2005, United Kingdom Foreign and Commonwealth Office.

[8] See www.finance.gov.ms, March 2006.

[9] See A/AC.109/2006/13.

[10] www.giu.gov.ms; 26 January 2006.

[11] Montserrat's currency is the Eastern Caribbean Dollar (EC$), which is aligned with the US$ (EC$ 2.70).

[12] Information transmitted by the administering Power, 15 January 2007; www.dfid.gov.uk, January 2005.

other sources.[13] Montserrat also benefits from various resources made available by the United Kingdom to the United Kingdom Overseas Territories to strengthen disaster management capacity, security and safety at ports and airports, capacity for law enforcement and prison management, environmental protection, development of the private sector and the promotion of human rights.[4]

16. According to the administering Power, total aid to Montserrat under the fourth to eighth European Development Fund stands at €32.5 million, of which €5.8 million has yet to be committed, including for upgrading of water and road projects; reconstruction of the Plymouth Port Jetty after hurricane Hugo in 1998; and housing and redevelopment. The ninth European Development Fund provides for €11 million in budgetary assistance. It is focused on services, in particular on tourism and information and communication technologies services. Montserrat has asked to be involved in the process of concluding Economic Partnership Agreements with the Asia, Caribbean and Pacific countries. For additional information see also section V.E on construction, housing and infrastructure.[4]

17. Moreover, Montserrat benefits from regional development projects such as the Caribbean Export Development Agency's technical and training assistance for export manufacturers in the Organization of Eastern Caribbean States (OECS); OECS' Tertiary Education Project for the improvement of school infrastructure and OECS' Tourism Development Programme and the Caribbean Regional Tourism Development Programme on incentives for the tourist industry.[4]

18. In his 2006 Christmas message, the Chief Minister said that good governance and integrity in public life should be put in place to receive effective development aid from Montserrat's donor partners.[14] Furthermore, after a recent visit to Havana, the Chief Minister said that the discussion with the Government of Cuba is part of his administration's strategy to supplement the development aid being provided by the United Kingdom, the European Union, the Caribbean Community and OECS partners, so that the Government would once again balance the budget and end the current dependence on 70 per cent budgetary aid.[15]

IV. Volcanic activity

19. The Soufriere Hills Volcano remains extremely active. The Volcano alert level was increased to level four (on a scale of five) on 24 December 2006, in response to heightened volcanic activity. In February 2007, evacuation alerts were issued for residents of Bishop Lane and an area south of Old Towne.[16] In July 1995, the Soufriere Hills Volcano, dormant for more than 400 years, erupted with devastating effects and caused the relocation of residents and 70 per cent of the evacuation of the population from the southern part of the island to the north. In October 1996, the island was divided into a series of zones based on the scientists' evaluation of the risk to occupants of these areas. Over time, those zones were modified to create an exclusion zone comprising roughly the southern two-thirds of the island.[4]

[13] www.dfid.gov.uk, January 2005.

[14] See www.giu.gov.ms/speeches, December 2006.

[15] See www.giu.gov.ms, 26 January 2006.

[16] See www.fco.gov.uk, 8 February 2007; see www.giu.gov.ms.

20. Debilitating volcanic activity continued on Montserrat throughout 2006 and into 2007.[17] At the same time, the recent volcanic activity has produced a wealth of ash, sand, pumice and aggregates that are mined and collected for domestic use and export when the level of volcanic activity is low.

V. Economic conditions

A. General

21. Volcanic activity and hurricane damage, the resultant movement of population and commercial centres and the attendant socio-economic difficulties continue to create real difficulties for Montserrat. As spelled out in the previous section, budgetary aid from the United Kingdom, as well as other assistance, has been needed over the last 10 years to support the Government's programme.[4]

22. The per capita gross domestic product (GDP) for 2005 reached $4,556.[18] The Territorial Government is committed to sustainable development, including identifying and encouraging revenue streams for development by the private sector. Disaster prevention and management is a cross-cutting issue. A system of business planning was introduced in 2006 to underpin the 2007 budget estimates. Preliminary data for the first three quarters of 2006 indicates that real economic growth is expected to expand by 3.2 per cent in 2006 (1.6 per cent for the year 2005). The major contributor to GDP in the first three quarters of 2006 was the mining and quarrying sector, which showed increases in the volumes of volcanic aggregates and sand exported.[4]

23. The economy has close to 200 business establishments, large and small, in its private sector, employing almost 600 workers. Just over 25 per cent of business is involved with the provision of financial, professional, personal and other household services. Wholesale and retail trades and food preparation occupy second and third places respectively.[4] Retail outlets offer a wide range of foodstuffs and other consumer items.

24. Natural springs provide a good fresh water supply for the island. Areas of forest in the island's interior are untouched. Montserrat's maritime locations provide seas with coral reefs to support a tourist industry and good fish stocks, although fishery resources are not fully exploited because of the lack of harbours. Studies suggest that Montserrat could harness a plentiful source of geothermal energy.[4]

B. Agriculture

25. As a result of the volcanic crisis, the majority of fertile agricultural lands, pasture and fishing areas are either restricted or not accessible. According to the administering Power, growth, from a small base, in this sector of 26 per cent in 2006 is expected, despite a significant ash fall in May 2006. Crop production more than doubled in the first three quarters of 2006. Chicken production fell in 2005 owing to

[17] See www.fco.gov.uk, 24 January 2007.

[18] Economist Intelligence Unit, Organisation of Eastern Caribbean States, Montserrat, 25 October 2006.

the temporary departure of a large producer, but has picked up since the producer returned (supporting data not available).[4]

26. In 2006, the Chief Minister stated in his budget speech that the Government recognized the importance of food security and that every effort would be made to make that a reality. He said that the Government's intention was to increase the acreage of lands under production; assist farmers in improving the shelf life of products, leading to small scale industries using local produce; encourage backyard gardening and construct a public market in 2006. To those ends approximately EC$ 12 million was allocated.[8]

27. In his 2006 Christmas message, the Minister of Education, Health, Community Services and Labour stated that a key component of the agricultural thrust for 2007 would be a young farmers' training programme for young people actively engaged in agriculture and agro-business.[19]

C. Financial services

28. Two commercial entities, the Bank of Montserrat and the Royal Bank of Canada, and 11 offshore banks operate in Montserrat providing a wide range of banking facilities. An ATM facility accepting major credit/debit cards is available.[4]

29. Individual residents in Montserrat have tax levied and collected on their chargeable income. Individual residents are taxed on their worldwide income, which includes income from all sources. Tax is levied and collected on the chargeable income paid by any incorporated company, building society or body of persons, at the rate of 20 per cent. A surcharge of 50 per cent on every dollar of tax liability is imposed on non-individual taxpayers and to any individual who is not resident on Montserrat or doing business during the basic year. This effectively makes the tax rate 30 per cent for non-individual taxpayers.[4]

D. Tourism

30. Montserrat features for visitors the spectacular Soufriere Hills Volcano, alongside lush, green mountains, world-class nature trails, secluded dark sand beaches, untouched reefs and a quiet friendly charm.[20] However, according to the administering Power, the tourism industry has been a major casualty of volcanic activity. Tourism, once the most significant contributor to the local economy, has suffered severe setbacks. Continuing limitations in access to the island have hampered growth. Ferry services no longer run, and income from day trips from Antigua has been lost. The opening of Gerald's airport in the north of the island in 2005 has not yet provided a significant uplift to tourist numbers. Figures for 2005 were down 14 per cent, compared to 2004. Visitor statistics for the first nine months of 2006 show a 32 per cent decrease over the same period for 2005.[4]

[19] See www.giu.gov.ms.

[20] See www.caribbeannetnews.com, 25 January 2006.

E. Construction, housing and infrastructure

31. The construction sector remains the second major contributor to economic activity in Montserrat, contributing an estimated 16 to 25 per cent to GDP in 2006.[21] The development of a new capital at Little Bay is the largest project planned. The Chief Minister, in his 2006 budget speech, stated that the Little Bay Development Project is a four-phase project, to be completed over a 10-year period. The main goal of the initiative is the establishment of an economic, social, cultural, residential, business and administrative centre. The first phase of the Project infrastructure is expected to start in April 2007, with United Kingdom and European Union assistance. It will guide the overall development and provide serviced land to allow the town centre to proceed.[21]

32. In his 2006 Christmas message, the Minister of Education, Health, Community Services and Labour stated that housing remained the "number one challenge" of the Government and the people of Montserrat. The provision of housing remains a concern, with an urgent need for up to 1,000 new units already identified. In 2006, 241 people were living in emergency shelters and other temporary housing. Other individuals who lost their homes in the exclusion zone are still living in overcrowded conditions with either friends or relatives. In the first eight months of 2006, 734 people applied for housing assistance (888 for year 2005).[19]

33. The European Union-funded EC$ 15 million construction project of 60 houses at Lookout began in May 2006, and is expected to be completed in 2007. The project employs approximately 40 per cent of the construction labour force on the island. Fourth quarter 2006 saw the commencement of three new projects: the public market at Little Bay, housing for the elderly and a therapy unit at the hospital. A new office block was completed for the Administration Department in Brades in the third quarter of 2006 to rehouse staff from temporary accommodations erected after the volcanic eruptions. Further upgrades are needed to accommodate Government staff adequately. Additional projected works for 2007 include accommodations for the mentally challenged, the construction of a purpose-built radio station, an early childhood education centre in Salem, an abattoir, a factory shell in Brades, a minor operating theatre at the hospital and the aforementioned development of Little Bay as the new capital.[19]

34. The rapid increase in population in the north of Montserrat has resulted in severe strain on the existing infrastructure, whose capacity and structural integrity need upgrading in order to support the increased social and economic demands. The recent increase in mining activities in the Belham River valley requiring heavy truck transport of the processed aggregates to Little Bay for export has put an additional strain on the roads. A major rehabilitation programme for the main spine road is expected to cope with the increase in heavy commercial traffic.[4]

35. The seaport operates in Little Bay utilizing a temporary emergency jetty constructed in 1997 to handle rapid evacuation of the population. Nearly 10 years later, all cargo destined for the island is still required to pass through this small, restrictive, temporary facility. A feasibility study on the port is to be carried out to advise on the required development to meet the country's needs.[4]

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[21] Information transmitted by the administering Power, 15 January 2007; see www.finance.gov.ms, March 2006; see www.devunit.gov.ms, March 2006.

36. The Montserrat Electricity Company plans to upgrade generating capacity. According to the administering Power, a study of the island's electricity requirements has been completed and arrangements for financing (EC$ 20 million) are progressing. Contracts for the supply of a medium speed diesel engine and the construction of the power station should be awarded in 2007. It is anticipated that this will be funded in part by a loan from the Caribbean Development Bank.[4]

37. The Montserrat Water Authority is responsible for the distribution of water throughout the inhabited portion of the island, and 100 per cent of the population has access to Montserrat's plentiful supply of good potable water (about 98 per cent are linked). The Government continues to examine how best use can be made of this valuable resource and to identify other sources of supply and water retention on the island. There is scope for revenue generation through the export of bottled water.[4]

38. With regard to the communications sector, Cable and Wireless, under licence, provides a modern telephone system throughout the Territory. This licence is due for review in 2007. According to the administering Power, the Government's objective is to aim for a degree of market liberalization at that time. International and local calls may be made at any time. Electronic mail is widely used, making communications relatively easy. Asymmetric digital subscriber line (ADSL) is gradually being introduced. There is a regular mail service between Montserrat and all countries.[4]

VI. Social conditions

A. General

39. As previously reported, the volcanic crisis has had a profound effect on traditional social structures and support systems, with many families and communities split up and relocated in different parts of the world. According to the administering Power, a large percentage of Montserratians are struggling to get by. The Government has had to develop and fund substantial social welfare and social development services, including for the high number of vulnerable elderly people who remain on the island. The services are carried out by the Community Services Department and the Social Welfare Office. The estimated expenditure for welfare and development services in 2005 was EC$ 3.3 million. According to the administering Power, financial data for 2006 were not available at the time.[4]

40. In 2006, the Chief Minister stated that the Government's social development policy had the following four programme areas: protection of the vulnerable; individual, family and community (social cohesion) development; access to effective and efficient health services; and access to responsive and targeted education.[8]

B. Labour

41. The working population stands at about 2,000, estimated as comprising 40 per cent nationals and 60 per cent non-nationals. According to the administering Power, Montserrat maintains a friendly and harmonious industrial relations climate. Every effort is made to ensure that workers, unions, employees and other stakeholders in

the economy are working in tandem to achieve national development goals. As a participant in the Caribbean Single Market and Economy, Montserrat aspires to develop a highly educated, skilled and agile work force.[4]

42. In 2006, the Chief Minister stated in his budget speech that where there are vacancies in skilled and unskilled jobs and no national is available to fill them, then work permits should be issued to non-nationals, preferably citizens of other CARICOM countries.[8] In 2006 the Department of Labour issued 121 work permits and renewed a total of 346. The permits were issued mainly to persons from other CARICOM countries.[4]

43. There is reportedly a need for a comprehensive labour market information survey to fully determine the composition, structure and training needs of the population.[4]

C. Education

44. Montserrat has good educational infrastructure, with 100 per cent access to primary and secondary education.[4] The Montserrat education system is broadly based on the British system. Both universal and secondary education have been achieved and the early childhood programme expanded. Provision is made for every child from the age of two to attend nursery school. According to the administering Power, there are two Government day-care facilities, three nursery schools and one privately owned early childhood facility. Of the four primary schools, two are privately owned. The Government-owned Montserrat secondary school is the only secondary school. Expenditure on education in 2005 was EC$ 6.3 million; the estimate for 2006 is EC$ 7.5 million.[4]

45. According to the administering Power, the performance of the education system continues to be monitored by a set of core performance indicators designed and implemented by the Organization of Eastern Caribbean States Education Reform Unit.

46. The United Kingdom announced that citizens from the Overseas Territories will benefit from next year (2007) from the home student fee rate at English universities.[22]

D. Health

47. Montserrat has modern health facilities.[4] Facilities in Montserrat include the 30-bed St. John's Hospital, which is able to cover all routine health issues, X-rays and minor operations, and primary care clinics at St. John's, St. Peter's, Cudjoe Head and Salem. Facilities are in place for emergency medical evacuation to Antigua and Guadeloupe. According to the administering Power, the expenditure on health care in Montserrat in 2005 was EC$ 12.9 million; the estimate for 2006 is EC$ 13.7 million.[4]

[22] See www.fco.gov.uk, 23 November 2006, Lord Triesman, Overseas Territories Minister, eighth meeting of the Overseas Territories Consultative Council (OTCC) on 21 and 22 November 2006; see www.bbc.co.uk.

48. Life expectancy in the Territory was 76 years for males and 81 for females in 2004, the latest year for which figures are available. Increased numbers have responded to the call to be tested for HIV/AIDS, and cervical and prostate cancer. In 2005 free testing and treatment for persons with HIV/AIDS was provided. Collaboration with the private sector ensures that the population has access to cholesterol drugs at affordable prices. At the same time, enhancing the lives of the elderly is a priority of the Government, evidenced by renovation of the Hill View Home and construction of the New Margetson Memorial Home. In view of shortages in the nursing field, a nursing aide programme was started at the community college in 2006.[4]

49. After a recent visit to Havana, the Chief Minister said that Cuba was ready to assist Montserrat with clearing up its backlog of some 400 persons waiting for ophthalmology assessment, some of whom will require surgery.[10]

E. Human rights

50. There have been few, if any, complaints of discrimination on the basis of race or religion. Equally, according to the administering Power, few problems of cultural relations exist, although inward and outward migration has had some impact on social conditions, as increased diversity produces new challenges. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women has been extended to Montserrat, but has not been ratified.

51. In April 2004, the Executive Council established a human rights reporting committee to fulfil the Government's responsibilities in meeting the various international reporting requirements. The objectives were to prepare the reports required under each Convention in a timely fashion and to make them available for public consultation; monitor the implementation of the relevant Conventions; and advise the Government of any shortcomings. During 2005, the Committee ensured that all reporting obligations for the period were met.[4] According to the media, Montserrat has been moving steadily to educate and improve awareness in Montserrat on human rights issues.[23]

F. Crime and public safety

52. Since the volcanic eruptions in 1995, the small Montserrat prison has been relocated eight times and prisoners have been relocated to the United Kingdom, the British Virgin Islands, the Cayman Islands, Jamaica and the Turks and Caicos Islands. In November 2004, a new prison facility was opened in Brades. According to information provided by the administering Power at the end of December 2006, the total prison population was 16.[4]

53. The Parole Board established under the Parole of Prisoners Act 2004 began its work in 2006. The law authorizes the Parole Board to review cases for release into the community on licence. The Parole Board makes recommendations to the Governor.[4]

[23] See www.themontserratreporter.com, 10 November 2006.

54. The Royal Montserrat Police Force has a fully functioning police headquarters in the Government headquarters complex at Brades. Most criminal offences are dealt with under the Penal Code of Montserrat, revised in 2002. In February 2003 the Governor was presented with a report of the Constitutional Commissioners, which recommended the establishment of a Police Complaints Board and an Ombudsman.[4]

55. Information on the applicability of the United Nations Convention against Corruption is found in section VII below.

VII. Relations with international organizations and partners

56. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. The Territory is represented at the meetings of the Caribbean Group for Cooperation in Economic Development, sponsored by the World Bank, and it receives some support from the United Nations Development Programme and United Nations Volunteers. Information on United Nations system activities involving Montserrat, including on the applicability of the International Labour Conventions and International Labour Recommendations of the International Labour Organization, is contained in Economic and Social Council document E/2006/47.

57. The Territory is a member of CARICOM and OECS, as well as of the institutions associated with both groups, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank Union. Montserrat has requested the relevant instrument of entrustment from the United Kingdom to become a party to the Revised Treaty of Chaguaramas, which entered into force on 1 January 2006. The Revised Treaty includes the CARICOM Single Market and Economy and supersedes the 1973 Treaty. Montserrat has observer status at the Caribbean Forum.[4]

58. OECS celebrated its twenty-fifth anniversary in June 2006, with Montserrat as a founding member. The nine heads of Government of the organization signed a declaration of intent to review the Treaty of Basseterre, which established OECS on 18 June 1981 and an Economic Union Treaty, which is expected to deepen integration at the subregional level.[24]

59. At the Overseas Territories Consultative Council meeting held in London on 21 and 22 November 2006, the United Kingdom and the Overseas Territories represented at the meeting, including Montserrat, agreed in principle that the United Nations Convention against Corruption would be extended to the Overseas Territories at the earliest opportunity.[25]

60. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. The Territory has yet to establish its relation to the European Union's Economic Partnership Agreement.[26]

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[24] Information transmitted by the administering Power, 15 January 2007; BBC Caribbean.com, 8 February 2007.

[25] See www.fco.gov.uk, 23 November 2006; www.giu.gov.ms, 24 November 2006.

[26] See European Union publication entitled "Caribbean Economic Partnership Agreement", 2006, p. 13.

VIII. Future status of the Territory

A. Position of the territorial Government

61. The position of the Government of Montserrat on constitutional reform is set out in section II above, which deals with the ongoing constitutional negotiations between Montserrat and the Government of the United Kingdom.

B. Position of the administering Power

62. In a statement made on 24 April 2006, while visiting the Turks and Caicos Islands, the Overseas Territories Minister, Lord Triesman, took stock of the relationship between the United Kingdom and the Overseas Territories seven years on from the 1999 White Paper,[27] and reiterated the United Kingdom's approach as follows:

> "As the White Paper made clear, the United Kingdom will always be ready to help any Territory become independent where this is an option, and if that is the clear and settled will of the people. The United Kingdom has no desire for any Territory to remain British against its people's wishes. We have no continuing colonial objectives.
>
> "However, if the people of a Territory wish to retain the British link, then the United Kingdom will continue to honour its responsibilities for it. But I am, and I should be, answerable to the United Kingdom Parliament for the Territories. As long as the United Kingdom retains those responsibilities, it needs to be in a position where it can discharge them properly. And that means that the United Kingdom needs to retain a sufficient level of powers to do this.
>
> "In this process, the Governor, who also represents the Territory to the United Kingdom Government, has a vital role. He or she must ensure, in partnership with the Territory Government, that high standards are maintained in key areas such as the public service, the police, the judiciary, finance, aviation and maritime security — indeed security generally — and human rights, in the interests of the peoples of the territory as a whole.
>
> "In this context, it might be helpful if I set out the United Kingdom position on alternative forms of relationship, some of which I know have been discussed here in Turks and Caicos Islands in recent weeks. United Nations General Assembly resolution 1541 (XV) set out some options for the relationship between administering Powers and Territories, including independence, integration and free association. The United Kingdom did not vote in favour of that resolution, and does not regard itself as bound by it. Integration would mean the Turks and Caicos Islands or any of the other Territories becoming a full part of the United Kingdom, like the Isle of Wight. It would mean that the people of the Territory would have to pay United Kingdom taxes. And United Kingdom policy would apply in areas that have

[27] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999 by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

traditionally been the responsibility of the Territory Government; for example, education and health.

"I do not believe that this is an option that would find favour in the Territories. Nor does it in the United Kingdom. The option of free association is also unacceptable. As defined by the United Nations, it would mean the Territory drawing up its Constitution free from any outside involvement. The United Kingdom would retain all the responsibilities for the Territory, but would not be able to ensure that it had the powers to enable it to fulfil these responsibilities. Ministers answerable to Government in Westminster cannot, and should not, put themselves in that position. So our aim is to work for a relationship with the Territory Government which satisfies the needs of both sides."[28]

63. Moreover, in a statement made on 5 October 2006, before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-first session of the General Assembly, the representative of the United Kingdom said that the criteria used by the Special Committee of 24 in its deliberation on whether a Non-Self-Governing Territory should be "delisted" were outdated and failed to take account of the way that relationships between the United Kingdom and its Overseas Territories had been modernized, in a way that was acceptable to both parties.[29]

C. Action by the General Assembly

64. On 14 December 2006, the General Assembly adopted with a vote of 173 to none, with 4 abstentions, resolutions 61/128 A and B. Section VII of resolution 61/128 B concerns Montserrat.

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[28] "A Successful Future", Triesman speech, Turks and Caicos Islands, 24 April 2006; see www.fco.gov.uk.

[29] Information transmitted by the administering Power, 15 January 2007; see also A/C.4/61/SR.5.